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In re Application of
Howard M. Kingston
Application No. 09/262,597
Filed: March 4, 1999
Attorney Docket No. 119994-5

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2002, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 25, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 26, 2001.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on March 28, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$460.00 extension of time submitted with the petition on March 28, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center 1614 for further processing.


Wan Layman
Petitions Examiner
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for Patent Examination Policy